

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN HUMPHRIES, JERMAIN DUTRIELLE,
NATHAN HACK and JASON WATSON,) Civil Action No. 09 - 1211
Plaintiff,) District Judge Nora Barry Fischer
v.)
EDWARD G. RENDELL and THOMAS)
CORBETT,)
Defendants.)

MEMORANDUM ORDER

On September 4, 2009, the above-captioned case was filed in this Court and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. On September 29, 2009, Plaintiff filed a substantially identical complaint at Civil Action No. 09-1325, which also was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings. On January 7, 2010, the Court consolidated these cases at Civil Action No. 09-1211.

On February 1, 2010, Magistrate Judge Lisa Pupo Lenihan filed a Report and Recommendation (doc. no. 18) recommending that the action be dismissed for failure to state a claim upon which relief may be granted. Plaintiffs were served with the Report and Recommendation at their listed address and advised that they had until February 18, 2010 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of March, 2010;

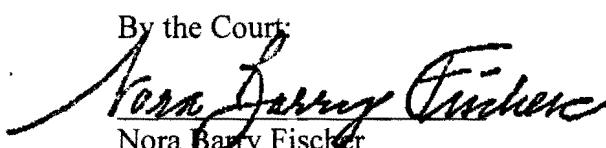
IT IS HEREBY ORDERED that this action is **DISMISSED** under 28 U.S.C. § 1915(e) and/or 1915A for failure to state a claim upon which relief may be granted under 42 U.S.C. §1983.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 18) of Magistrate Judge Lenihan dated February 1, 2010, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:


Nora Barry Fischer
United States District Judge

cc: John Humphries
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